

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00170

Shara Armstrong,

Plaintiff,

v.

Cumberland Academy,

Defendant.

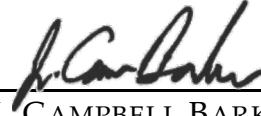
ORDER

Plaintiff Shara Armstrong filed this action (Doc. 1) and raised claims that are substantially like those pending before the court in another case. *See* Compl. at 5-6, *Armstrong v. Cumberland Academy*, No. 6:20-cv-00526 (E.D. Tex. Sep. 30, 2020) (Doc. 1). Plaintiff unsuccessfully attempted to raise the same legal claim at issue here by amending her complaint in the older case. *See* Order at 3, *Armstrong v. Cumberland Academy*, No. 6:20-cv-00526 (E.D. Tex. Mar. 22, 2021) (“Having been provided no basis for ruling in Armstrong’s favor, the court denies her motion to amend.”). Notably, in the parallel litigation, Armstrong admitted that her proposed amended complaint “ma[d]e no additional allegations of fact [and] only raises a cause of action under the Rehabilitation Act based upon the same set of facts.” *Id.*

Because of the foregoing chain of events, the court orders Armstrong to show cause why the complaint in this action should not be dismissed under the doctrine of claim splitting. *See generally Thomas v. Beaumont Indep. Sch. Dist.*, No. 1:15-CV-112, 2016 WL 922182 (E.D. Tex. Feb. 12, 2016), *R. & R. adopted*, 2016 WL 899870 (E.D. Tex. Mar. 8, 2016) (discussing claim splitting in a comparable situation). The court orders Cumberland to provide its own supplementary briefing on the subject. Armstrong’s shall file a brief no later than June 28,

2021. Cumberland shall file a response no later than July 12, 2021.

So ordered by the court on June 15, 2021.



J. CAMPBELL BARKER
United States District Judge